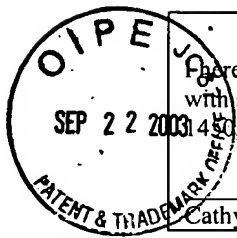


#3

ATTORNEY DOCKET No. 2102881-991101



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope with sufficient postage as Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on September 19, 2003

Cathy Pittman
Cathy Pittman

RECEIVED

SEP 23 2003

Appl. No. : 10/054,364
Applicant : Worry et al.
Filed : November 13, 2001
TC/A.U. : 2661
Examiner : N/A

Confirmation No. 7045 **OFFICE OF PETITIONS**

Docket No. : 2102881-991101
Customer : 26379
No.

Title: A METHOD, SYSTEM AND APPARATUS FOR REPROGRAMMING A
DIGITAL ELECTRONIC DEVICE VIA A COMPUTER NETWORK

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

MAIL STOP: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Applicants submit this Petition to the Commissioner under 37 C.F.R. § 1.137(b) for revival of the above-identified patent, for which we just discovered an outstanding Notice to File Missing Parts of a Nonprovisional Application, to which no response was filed. Applicant has never received a Notice of Abandonment. The lack of a response to the Notice to File Missing Parts of a Nonprovisional Application was discovered during a review of the file on July 30, 2003. This petition is being filed promptly upon becoming aware of the need to respond to the Notice to File Missing Parts of a Nonprovisional Application.

09/23/2003 AWONDAF1 00000118 10054364

02 FC:2453
03 FC:1461

650.00 OP
630.00 OP

Therefore, Applicants file with this petition with:

- (i) Copies of the Notice to File Missing Parts of a Nonprovisional Application;
- (ii) \$1,280.00 for payment of the appropriate fee for this petition pursuant to 37 C.F.R. 1.17(m) and \$65.00 for payment of the missing parts surcharge; and
- (iii) a proper response to the Notice to File Missing Parts of a Nonprovisional Application including:
 - a) an executed Declaration form;
 - b) an executed Small Entity Declaration; and
 - c) an executed Power of Attorney form signed by Blue Iguana Networks, Inc.

The undersigned hereby asserts that the abandonment of this case was unintentional. Therefore, Applicants hereby request that this petition be granted. If any other fees are deemed necessary in connection with the filing of this petition, authorization is hereby given to charge the amount of any such fees to Deposit Account No. 07-1896.

In the event matters remain to be resolved in view of this communication, the Examiner is invited to call the undersigned so that a prompt disposition of this application can be achieved.

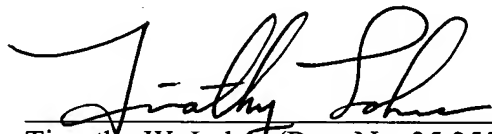
Please direct all further communications to (as set forth in the Power of Attorney):

Timothy W. Lohse
GRAY CARY WARE FREIDENRICH LLP
2000 UNIVERSITY AVENUE
East Palo Alto, CA 94303
Tel: 650/833-2055
Fax: 650/833-2001

Respectfully submitted,

GRAY CARY WARE FREIDENRICH LLP

Dated: September 19, 2003



Timothy W. Lohse (Reg. No. 35,255)
Attorney for Applicants

GRAY CARY WARE FREIDENRICH LLP
2000 UNIVERSITY AVENUE
East Palo Alto, CA 94303



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on ~~SEPTEMBER 9~~ **SEP 22 2003**.
MAIL STOP PETITION

Cathy Pittman
Cathy Pittman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

SEP 23 2003

Applicant: Michael Worry et al.

OFFICE OF PETITIONS

Serial No: 10/054,364

Group Art Unit: 2661

Filed: November 13, 2001

Examiner: N/A

Title: A METHOD, SYSTEM AND APPARATUS FOR REPROGRAMMING A
DIGITAL ELECTRONIC DEVICE VIA A COMPUTER NETWORK

**DECLARATION OF ALAN LATTANNER IN SUPPORT OF THE PETITION
UNDER 37 C.F.R. § 1.137 (b) TO REVIVE**

THE COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

I, Alan Lattanner, hereby declare as follows:

1. I am an individual over the age of 18. I have personal knowledge of the facts set forth in this Declaration and, if called and sworn as a witness, I could and would competently testify thereto.

2. I am the Chief Executive Office of Blue Iguana Networks, Inc., Assignee of the above-referenced patent application as evidenced by the assignments attached hereto as Exhibits 1 and 2;

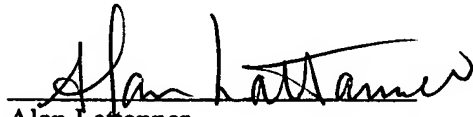
3. I did not receive and was unaware of the Notice to File Missing Parts of a Nonprovisional Patent Application ("Notice to File Missing Parts") issued by the U.S. Patent and Trademark Office ("PTO") on February 15, 2002;

4. I first became aware of the Notice to File Missing Parts during a due

diligence process conducted on or about July 30, 2003 and after a telephone conference with the U.S. Patent and Trademark Office ("USPTO"). I also learned that no response to the Notice to File Missing Parts had been filed with the USPTO.

5. Blue Iguana Networks, Inc. intended to respond to the Notice to File Missing Parts (and would have done so if we had been aware of the Notice to File Missing Parts). Blue Iguana Networks did not intend to abandon this patent application.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that this Declaration is executed this 29th day of August, 2003, at Sunnyvale, California.


Alan Lattanner